Planning for and managing COVID-19: Ethical decision-making tool

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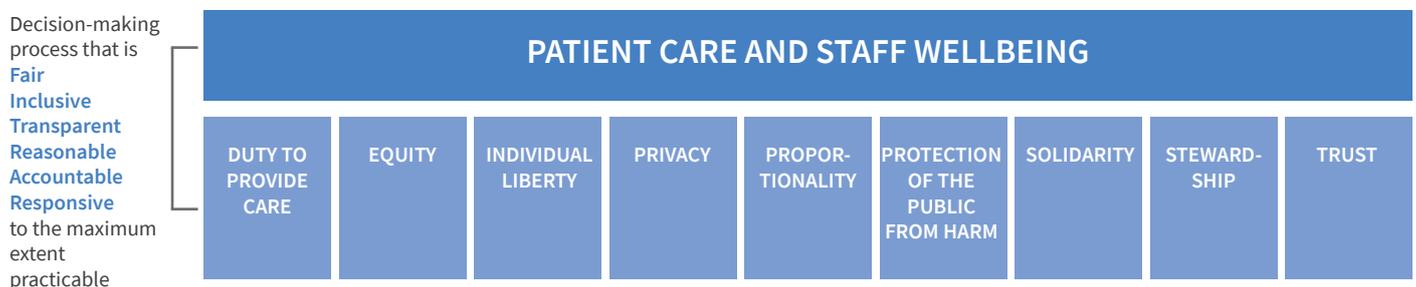rmcdo@unimelb.edu.au
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Basing decisions on clearly defined and well-established values helps with difficult choices in a crisis. This tool takes an ethical framework (Thompson et al 2006), and guides decision-makers through a structured process to support ethical decision-making.

The decision making tool asks that you consider:

A. Basic information- e.g. current context, urgency, who is making the decision, timing of decision and review
B. Benefits and risks of options, and how the options interact with well-established values of health care
C. Whether the decision has been made using an ethical decision making process
D. What the decision is, what is required to implement the decision, and what change in conditions would prompt a review
E. What needs to be done to effectively communicate the decision

This tool will not take away from the difficulty of making pandemic related decisions. Each situation will require judgement about how to apply and weight the relevant ethical values. However, its use will promote ethical decision making by asking that decision-makers consider the relevant values, follow a structured process, and clearly document decisions.

Ethical decision-making in the context of a pandemic

Decision-making process that is **Fair Inclusive Transparent Reasonable Accountable Responsive** to the maximum extent practicable

PATIENT CARE AND STAFF WELLBEING								
DUTY TO PROVIDE CARE	EQUITY	INDIVIDUAL LIBERTY	PRIVACY	PROPOR-TIONALITY	PROTECTION OF THE PUBLIC FROM HARM	SOLIDARITY	STEWARD-SHIP	TRUST

Adapted from Thompson AK, Faith K, Gibson JL et al. Pandemic influenza preparedness: an ethical framework to guide decision-making. *BMC Med Ethics* 7, 12 (2006). http://doi.org/10.1186/1472-6939-7-12

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A. BASIC INFORMATION

Date:
Issue/question requiring a decision:
Pandemic phase:
Person (including title) requesting decision:
Responsible person/group making decision:
Responsible executive:
Key stakeholders:
Decision required: today, days, weeks, ASAP
Timeframe for decision review: daily, weekly, monthly, other
Conditions for review:

B. QUESTIONS TO CONSIDER WHEN DECIDING BETWEEN OPTIONS

1. **What are the possible options?**
2. **What are the risks and benefits of each option?**

OPTIONS	BENEFITS	RISKS

3. **What is the preferred option?**

4. **For your preferred option, consider the following values. The questions are intended as prompts; not all questions will be relevant to all decisions.**

VALUE	USEFUL QUESTIONS TO CONSIDER	COMMENTS
DUTY TO PROVIDE CARE	How do we best provide care to our patients, and at the same time safeguard the health of our workforce? How do we balance our duty to provide care to our patients, and enable our staff to care for their families? Are we adequately supporting staff to manage increased risk and 'moral burden' in the context of competing obligations?	
EQUITY/ FAIRNESS	Have we been as equitable as possible between: • COVID-19 patients and other patients who need urgent care? • COVID and non-COVID patients with requirements for scarce resources e.g. outpatient appointments, single rooms, staff, equipment, medication? • different subgroups of patients, particularly vulnerable patients, by recognizing and addressing specific needs where possible? Are we treating staff in as equitable way as possible? Have we made decisions in accordance with fair process (see section below)?	

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VALUE	USEFUL QUESTIONS TO CONSIDER	COMMENTS
INDIVIDUAL LIBERTY	Are the restrictions to liberty necessary and relevant to protecting the public good? Are they proportional to the risk of public harm? Are any limitations to patients' or carers' or staffs' liberty the least restrictive possible to protect the public? Are they being applied in a way that is free from discrimination?	
PRIVACY	Does the intended benefit justify impinging on patient privacy? Is there a way of achieving the benefit that would be less stigmatizing for the patient or the relevant community?	
PROPORTIONALITY	Does the risk of public harm justify the level of infringement of individual claims such as liberty and privacy? Given the current conditions, are we using the least restrictive or coercive approach?	
PROTECTION OF THE PUBLIC FROM HARM	How can we help patients and families to understand and comply with restrictions?	
RECIPROCITY	Can we decrease the burden for staff, patients and families? How will staff safety and wellbeing be maximized in the circumstances?	
SOLIDARITY	How can we best work together within the organisation? Are we coordinating our delivery of health in a collaborative way? Are we reinforcing our shared purpose?	
STEWARDSHIP	How can we maximise benefit for the public good, and minimise harm in the allocation of our resources? Does the decision distribute benefits and burdens in a way that we think is fair or defensible? Have we adequately considered alternative ways of expanding the resources available to us? Have we minimized any forseeable collateral damage from the outcome of our preferred decision?	
TRUST	Have we made decisions in accordance with fair and transparent process (see Part B below)? What would be the impact of this decision on trust between • the patient and clinicians? • staff and the organisation? • The organisation and the public? • between organisations within the health system?	

Note it may be helpful to revisit the benefits/risks of your preferred option after working through this table.

C. DECISION MAKING PROCESS

It is particularly important during pandemics when difficult decisions may need to be made that there is an ethical process. To the greatest extent possible in the specific circumstances, decisions should be made in a way that is:

- **Inclusive** – How have you engaged with all the relevant stakeholders? Is there any key stakeholder missing from the decision making process?
- **Fair** – Who was involved in the decision, what is the mechanism for review and voicing concerns?
- **Reasonable** – What were the key reasons for your decision, and was there agreement about the decision? Is there more information that you need?
- **Accountable** – Who is responsible for this decision? Who is the most appropriate person/s to answer questions regarding this decision in the first instance, who else can assist for advice? and who would act as a final arbiter in the event of conflicting opinions?
- **Responsive** – Was this decision made in a timely manner? Are there important factors that meant that the decision has to be deferred?
- **Transparent** – how will the decision be communicated, and with whom? Are there any factors that justify not communicating with key stakeholders?

D. OUTCOME/DECISION

Decisions must be with the best available information and supported by appropriate resources and processes. A review of the decision in the context of changing conditions should also be planned.

1. **What is the decision?**
If no decision was made:
- When is a decision expected to be made?
- What further information do you need?
- Who else do you need to talk to?
- What are the current barriers to making a decision?

2. **Who will be affected?**

3. **Are there the relevant resources available to support this decision? E.g. staff, equipment and infrastructure.**
- If not, what needs to be done to get these resources, and how likely will you be able to get these?
- If not likely to access resources, will need to review options again and make a different decision or defer decision

4. **What are the actions that need to be taken to enact the decision?**

5. **What resources, procedures or processes will need to be developed in order to support this decision?**

6. **When will this decision be reviewed?**

7. **What are the conditions that would make other alternative options more preferable?**

E. COMMUNICATION STRATEGY

Timely and effective communication of decisions is a key part of maintaining trust and morale during a pandemic and essential to maintaining a just culture.

1. What needs to be communicated?
*   What is the decision?
*   How does this decision promote the priorities and shared values of the organisation?
*   Who made the decision?

2. How will the decision be most effectively communicated to key stakeholders?
*   Email from whom to whom? Policy? Procedure?
*   Additional tools to strengthen message e.g. posters, laminated cards?

3. How urgently does the decision need to be communicated?

4. Who can assist in getting the message out?

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